

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Priscilla White

Date application filed with the Town Clerk: May 26, 2006

Nature of request: A Special Permit for a supplemental apartment under Sections 5.011 and 9.22 of the Zoning Bylaw

Location of the property: 318 Lincoln Avenue (Map 11C, Parcel 55, R-G Zoning District)

Legal notice: Published on June 7 & 14, 2006 in the Daily Hampshire Gazette and sent to abutters on June 5, 2006.

Board members: Ted Rising, Russell Frank and Jane Ashby

Submissions: The petitioner submitted the following with the application:

- A site plan showing the original house, the parking and the addition which is proposed for conversion to a supplemental apartment
- A Management Plan
- A set of plans (10 pages) that includes the floor plans for the original house, the floor plans for the proposed supplemental apartment, design and conceptual drawings for the new kitchen, rear elevation of the house with addition and engineering details of construction

Site Visit: June 20, 2006

The Board met with Ms. White at the premises, and observed the following:

- A residential neighborhood of single-family and multi-family homes,
- Many non-conforming lots in terms of frontage, lot size or setbacks in the neighborhood
- The stacked parking in the front yard for four cars
- The two means of egress for the proposed apartment
- The well-designed addition that is now proposed for a supplemental apartment
- The area in the living room that will be converted to a small kitchen

Public Hearing: June 22, 2006

Ms. White represented herself at the hearing. She gave the following information:

- She owns the property, and added the new section of the house last year
- Three generations now live in the house -a daughter and her family plus another daughter.
- The applicant lives in the new addition; it currently contains a living room, bedroom and bath.
- Given new dietary needs, the applicant now needs to prepare her own food and would like a separate kitchen in order to do so.
- The proposed kitchen would be installed in the corner of the living room and would be quite

modest in size.

- The supplemental apartment will be occupied by one person, the applicant, who also is the owner of the principal single family residence
- The driveway is 21 feet wide and about 35 feet deep.
- Currently the cars are stacked in the driveway, two rows of parking, two cars deep.
- There is enough room to change the configuration of the parking if the Board wants parallel parking and a turn-around area.
- She has already talked to the Building Inspector and has taken out an application for a building permit for the necessary changes to convert the space to a supplemental apartment.

The Board noted that the driveway is deep enough that four cars can easily park in the driveway.

Bonnie Weeks, Building Commissioner, stated that the Board can require parking areas to have a turn-around, so that cars will not have to back into busy streets, such as in this case. This is not explicitly stated in the parking section of the Zoning Bylaw, but the Board has required a turn-around as a general practice.

Three members of the public spoke to the application. Sidney Treyz, 306 Lincoln Avenue, said that she lives two doors away and can look into the applicant's backyard. She was wondering about the parking, whether it would be intrusive to her family. George Treyz, 306 Lincoln Avenue, said that he was anxious to have the house remain owner-occupied. Marjory Babb, 92 High Street, questioned whether the Town would know in the future if the house remained owner-occupied.

Mr. Rising reviewed the dimensional limitations of a proposed supplemental apartment. The apartment area is 640 square feet, the shared covered entryway is 96 square feet, and the shared interior is 20 square feet. Section 5.01110 of the Bylaw states that there shall be no more than 800 square feet of gross floor area for a supplemental apartment. Including the shared areas, the total square footage is 756 square feet. The back entryway to the apartment is 18 square feet, but is uncovered and is not included for the total area calculation of the apartment.

Mr. Frank made a motion to close the evidentiary portion of the hearing. Ms. Ashby seconded the motion, and the vote was unanimous to close the hearing.

Public Meeting - Discussion:

The Board reviewed Section 5.011 of the Zoning Bylaw, which outlines the requirements for supplemental apartments. All the conditions are met. That is:

- The proposed apartment has no more than 800 square feet of floor area (Section 5.0110)
- The single family dwelling is not used simultaneously for accessory lodging for boarders/roomers/bed and breakfast (Section 5.01111)
- One of the dwelling units will be occupied by the owner of the principal single family residence (Section 5.01112)
- The supplemental apartment will be occupied by no more than 3 people (Section 5.01113)

The Board reviewed an alternative plan to the current driveway parking which showed a parallel

parking area to the south of the driveway and a turn-around area at the end of the driveway. Cars would be able to turn around within the site, and not back onto Lincoln Avenue. The Board approved and signed this alternate parking plan.

The Board reviewed the submitted Management Plan. The Parking section was changed to reflect the change in parking plan to accommodate a turn around. All other aspects of the plan were satisfactory, and the Board approved/signed the applicant's Management Plan.

The floor plans and kitchen design for the supplemental apartment were approved and signed by the Board as well.

The Board noted that the property is non-conforming in terms of lot size (8,625 square feet) and frontage (75 feet). Section 9.22 of the Bylaw, which addresses non-conforming properties, allows the Board to grant, under a Special Permit, a use to be changed to a specified use not substantially different in character or its effect on the neighborhood. The Board found the supplemental apartment not to change the character of the neighborhood.

Public Meeting - Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 – The proposal is suitably located in the neighborhood, since there are several other multi-family residences in the immediate neighborhood. Also, the conversion of the house addition to a supplemental apartment is compatible with the existing use as a single family residence since the two units will continue to be part of a three-generation family sharing the property.

10.382, 10.384, 10.385 & 10.393 – The proposal would not constitute a nuisance due to noise, lights or visually offensive structures, since the house with supplemental apartment is essentially the same as it currently is as a single family structure. No changes to the exterior are proposed; screening is currently in place; exterior lighting is downcast and is only at the three entrances to the house.

10.383 & 10.387 – The proposal will not be an inconvenience or hazard to abutters, vehicles or pedestrians because screening is in place along the driveway and the parking will be changed to include a turnaround so that cars can exit forward onto Lincoln Avenue.

10.386 – The proposal is in conformance with parking regulations - 4 parking spaces are available on site, and a turnaround area will be provided.

10.389 – The proposal provides adequate methods of disposal, since the house is connected to Town water/sewer, and the approved Management Plan satisfactorily covers the recycling/refuse disposal used by the household.

10.391 & 10.395 – The proposal protects the unique and historic features of the original house, since the addition is well-built, attractive and in the back of the house. No exterior changes will be made to the house in order to convert to a supplemental apartment.

10.397 – No changes will be made to the available open space on the lot. Space for outdoor games is available; setups for lacrosse and/or soccer games are present on the front lawn.

10.398 – The proposal is in harmony with the general purpose and intent of the Bylaw because it contributes to the Town established goal of providing greater density in the central part of Town, which helps to keep the outlying areas more open. Three generations of a family living in one house also can contribute to the health, safety, convenience and general welfare of the family.

Zoning Board Decision:

Ms. Ashby made a motion to approve the proposal, with conditions. Mr. Frank seconded the motion.

For all of the reasons stated above, the Board VOTED UNANIMOUSLY TO APPROVE a Special Permit for a supplemental apartment under Section 5.011 and 9.22 of the Zoning Bylaw as described in the application submitted by Priscilla White, on the premises at 318 Lincoln Avenue, (Map 11C/Parcel 55, R-G Zoning District), with conditions.

TED RISING

RUSSELL FRANK

JANE ASHBY

FILED THIS _____ day of _____, 2006 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2006.
NOTICE OF DECISION mailed this _____ day of _____, 2006
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2006,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit for a supplemental apartment under Section 5.011 and 9.22 of the Zoning Bylaw as described in the application submitted by Priscilla White, on the premises at 318 Lincoln Avenue, (Map 11C/Parcel 55, R-G Zoning District), subject to the following conditions:

1. One of the dwelling units shall be and shall remain owner occupied.
2. The property shall be managed as described on the Management Plan approved by the Board at the public meeting on June 22, 2006 and on file in the zoning office of the Planning Department.
3. The driveway shall be altered to provide parallel parking and a turn-around as approved by the Board at the public meeting on June 22, 2005.
4. Existing plant screening shall be maintained on the northerly side of the driveway/parking area and shall be augmented by additional plantings from time to time as are needed to sustain screening at ground level.
5. Exterior lighting shall be downcast.
6. The supplemental apartment shall be as shown on the plan approved by the Board at the public meeting on June 22, 2006.
7. The supplemental apartment shall be occupied by no more than three people.

TED RISING, Chair
Amherst Zoning Board of Appeals

DATE